

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

|   |   |                                     |
|---|---|-------------------------------------|
| In the Matter of the Application of First     | ) |                                     |
| Choice Technology, Inc., for a Certificate    | ) | <b><u>Case No. TA-2007-0033</u></b> |
| of Service Authority to Provide Interexchange | ) | Tariff No. XY-2007-0046             |
| Telecommunications Services in the State of   | ) |                                     |
| Missouri and for Competitive Classification   | ) |                                     |

### **ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE**

### **AUTHORITY AND ORDER APPROVING TARIFF**

Issue Date: August 21, 2006

Effective Date: September 8, 2006

**Syllabus:** This order grants First Choice Technology, Inc., a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

First Choice Technology, Inc. ("FirstChoice") applied to the Missouri Public Service Commission on July 24, 2006, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.<sup>1</sup> FirstChoice asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by sections 392.361 and 392.420. FirstChoice is a Delaware corporation with its principal office located at 601 N. Orlando Avenue, Suite 211, Maitland, Florida.

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on August 1, 2006, directing parties wishing to intervene to file their requests by August 16, 2006. No requests for intervention were filed.

FirstChoice filed a proposed tariff in conjunction with its application with an effective date of September 8, 2006. FirstChoice's tariff describes the rates, rules, and regulations it intends to use, identifies FirstChoice as a competitive company, and lists the waivers requested. FirstChoice intends to provide interexchange telecommunications services including resold switched long distance interexchange services.

In its Memorandum filed on August 21, 2006, the Staff of the Commission recommended that the Commission grant FirstChoice a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on September 8, 2006.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and FirstChoice shall be granted a certificate of service authority. The Commission finds that the services FirstChoice proposes to offer are competitive and FirstChoice shall be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that FirstChoice's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other

Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on July 24, 2006, shall be approved to become effective on September 8, 2006.

The Commission reminds the company that failure to comply with its regulatory obligations may result in the assessment of penalties against it. These regulatory obligations include, but are not limited to, the following:

A) The obligation to file an annual report, as established by Section 392.210, RSMo 2000. Failure to comply with this obligation will make the utility liable to a penalty of \$100 per day for each day that the violation continues. 4 CSR 240-3.540 requires telecommunications utilities to file their annual report on or before April 15 of each year.

B) The obligation to pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.

C) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If the company fails to comply, it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day of noncompliance, for each offense, pursuant to Section 386.570, RSMo 2000.

D) The obligation to keep the Commission informed of its current address and telephone number.

Furthermore, the company is reminded that, if it is a corporation, non-attorneys may not represent the company before the Commission. Instead, the corporation must be represented by an attorney licensed to practice law in Missouri.

In addition, the company is reminded that Section 392.410.5, RSMo Supp. 2005, renders the company's certificate of service authority null and void one year from the date of this order unless it has exercised its authority under that certificate.

**IT IS ORDERED THAT:**

1. First Choice Technology, Inc., is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.
2. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.
3. First Choice Technology, Inc., is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

**Statutes**

- 392.210.2 - uniform system of accounts
- 392.240.1 - rates-rentals-service & physical connections
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - acquisition of stock
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

**Commission Rules**

- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.040 - uniform system of accounts

4. The tariff filed by First Choice Technology, Inc., on July 24, 2006, under tariff number XY-2007-0046, is approved to become effective on September 8, 2006. The tariff approved is:

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5. This order shall become effective on September 8, 2006.
6. This case may be closed on September 9, 2006.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 21st day of August, 2006.